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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

VANESSA HONORATO, INDIVIDUALLY )  
AND VANESSA HONORATO, INDEPENDENT )  
ADMINISTRATOR OF THE ESTATE OF )  
MARYANA JOANNA MUNOZ, DECEASED )

Plaintiffs )

v. )

No.: 1:20-cv-3385

MT. OLYMPUS ENTERPRISES, INC., MOUNT )  
OLYMPUS RESORTS, LLC., MT. OLYMPUS )  
WATER & THEME PARK, AND WISCONSIN )  
DELLS VISITOR AND CONVENTION )  
BUREAU, INC. )

Defendants. )

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT**

Defendants MT. OLYMPUS ENTERPRISES, INC. d/b/a MT. OLYMPUS WATER & THEME PARK, AND MT. OLYMPUS RESORTS, LLC, incorrectly sued as MOUNT OLYMPUS RESORTS, LLC, by and through its attorney, SHIMON B. KAHAN of Haynes, Studnicka, Kahan & Poulakidas, LLC, pursuant to 28 USC §1332, §1441, and §1446, submits their Notice of Removal to this court from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division. In support of this Notice of Removal, Defendants state as follows:

1. Plaintiff VANESSA HONORATO (“HONORATO”) alleges that her daughter Maryana Joanna Munoz was killed as a result of a motor vehicle accident that occurred on August 7, 2018, in the parking lot of the Mt. Olympus Water & Theme Park, in Wisconsin Dells, WI in Sauk County. See Ex A, plaintiff’s complaint, pars 1-3, 38.

2. Plaintiff seeks damages, as Independent Administrator of the Estate of Maryana Joanna Munoz, Deceased, under Illinois’ Wrongful Death Statute, as well as individually in

pleading a Survival claim; she names next of kin as decedent's mother HONORATO and her half-brother Matthew. See complaint par 45.

The Amount in Controversy Exceeds \$75,000

3. Plaintiff prays for an amount in excess of \$50,000 in accordance with Illinois pleading requirements. Exhibit A.

4. All that is required for removal based on diversity of jurisdiction is a "reasonable probability" that more than \$75,000 is in controversy. See *Rising-Moore v. Red Roof Inns, Inc.*, 735 F. 3d 813, 815 (7th Cir. 2006).

5. Here, Plaintiff has complied with Illinois pleading requirements, which only require a plaintiff to assert that his or her damages are greater or less than \$50,000. IL Sup Ct Rule 222. In this case, Plaintiff seeks damages "in excess of \$50,000" based upon the death of Maryana.

6. Based on the allegations in Plaintiff's Complaint, there is a reasonable probability that the amount in controversy in this case exceeds \$75,000, exclusive of interests and costs.

Diversity of Citizenship

7. Based upon information and belief, Plaintiff HONORATO, beneficiary Matthew Honorato, and the decedent are domiciled citizens of the state of Illinois in Bensenville, IL.

8. Defendant Mt. Olympus Enterprises, Inc., is incorporated in Wisconsin and has its principal place of business in Wisconsin.

9. Mt. Olympus Water & Theme Park Resort is a dba name for Mt. Olympus Enterprises, Inc. and is not a separate legal entity.

10. Mt. Olympus Resorts, LLC is incorporated in Wisconsin and has its principal place of business in Wisconsin.

11. Mt. Olympus Resorts, LLC has three members: a) Familyland, Inc. is a Wisconsin corporation with its principal place of business in Wisconsin; b) Co-Defendant Mt. Olympus Enterprises, Inc. (see par 8); and, c) DNL of Wisconsin, LLC.

12. DNL of Wisconsin, LLC, is incorporated in Wisconsin and has its principal place of business in Wisconsin. Its sole member is Nickolaos D. Laskaris, who is domiciled in Wisconsin.

Co-Defendant Wisconsin Dells Visitor and Convention Bureau

13. Based upon information and belief, co-defendant Wisconsin Dells Visitor and Convention Bureau, Inc. is a Wisconsin corporation with its principal place of business in Wisconsin. As such, its citizenship does not defeat diversity.

14. For purposes of determining whether diversity of jurisdiction exists under 28 U.S.C. §1332(c)(1), at all relevant times, Plaintiff was a domiciled citizen of Illinois, and Defendants have not been domiciled in or citizens of Illinois; here, all defendants are citizens of Wisconsin.

15. For the foregoing reasons, this is an action where the United States District Court for the Northern District of Illinois has original jurisdiction, pursuant to 28 U.S.C. §1332, because the matter in controversy exceeds a value of \$75,000, exclusive of costs and interests, and Plaintiff and Defendants are domiciled and/or citizens of different states.

16. Diversity of jurisdiction exists, and this lawsuit is removed pursuant to 28 U.S.C. §1441 and §1446.

Service Upon Defendants

17. Co-defendant Wisconsin Dells Visitor and Convention Bureau consents to Removal. See Written Consent, exhibit B.

18. This Notice of Removal is timely pursuant to 28 U.S.C. §1446(b).

19. Plaintiff's counsel has been or will be served with this Notice of Removal in accordance with the Federal Rules of Civil Procedure, and it will be filed with the Circuit Court of Cook County.

20. All served Defendants join in this removal.

21. In filing this Notice of Removal, the defendants do not waive any objection they have as to jurisdiction, venue, or any other defenses or objections it may have to this action. Defendants intend no admissions of fact, law, or liability by this Notice and expressly reserves all defenses, motions, and/or pleas.

22. Defendants reserve the right to supplement or amend this Notice of Removal to the extent permitted by law.

WHEREFORE, defendants MT. OLYMPUS ENTERPRISES, INC. d/b/a MT OLYMPUS WATER & THEME PARK, and MT. OLYMPUS RESORTS, LLC, incorrectly sued as MOUNT OLYMPUS RESORTS, LLC pursuant to 28 U.S.C. §1441, remove this action from the Circuit Court of Cook County, Illinois to this Court for further proceedings.

Defendants demand trial by jury.

/s/ Shimon B. Kahan

SHIMON B. KAHAN (#6207172)

HAYNES, STUDNICKA, KAHAN & POULAKIDAS, LLC

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